

Dwight Hunter
966 Torrey Pine Drive
Colton, California 92324
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FILED

2008 DEC 30 AM 1:49

In Pro Se

CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
EASTERN DIVISION

BY: 

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CV 08 - 08603

DWIGHT HUNTER

) Case No.

Plaintiff (s),

) VERIFIED COMPLAINT FOR
) CONSPIRACY TO COMMIT
) FRAUD, FRAUD, EQUITABLE
) RELIEF, DECLARATORY FOR
) QUIET TITLE AND INJUNCTIVE
) RELIEF.

vs.

OWNIT MORTGAGE SOLUTIONS
INC; SELECT PORTFOLIO
SERVICING INC, & SAN
BERNARDINO COUNTY SHERIFF'S
DEPARTMENT

) U.S.C. Title 18, § 1001

Defendant(s).

) Filing Date:
) Judge:
) Dept:
) Hearing Date:
) Hearing Time:
) Trial Date:

Does 1 through 10

PREVIOUS LAWSUITS

No previous lawsuits have been brought by the Plaintiff in a Federal Court regarding the matters and parties as complained of herein.

1 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

2 There are no Administrative Remedies available to the allegation as contained
3 herein, and therefore required to commence with this Action.

4 **JURISDICTION**

5 The Plaintiff, Dwight Hunter is a resident of the State of California, and a Citizen
6 of the United States, presently residing respectively at the above captioned address.

7 The alleged violation(s) contained herein occurred in the State of California,
8 United States of America, by the Defendant(s) respectively, wherein the offense was
9 committed, in violation of the Plaintiff's rights and applicable State and Federal
10 Statutes, Code, Laws and customs.

11 The defendant(s) are/is sued in their known Corporate Name's and Capacities,
12 whereas upon discovering the true names and capacities, the Plaintiff would
13 amended the Complaint to reflect the Defendant(s) true names and capacity.

14
15 **STATEMENT OF FACTS**

16
17 On or about July 5. 2006, the Plaintiff was induced into entering an
18 agreement, between him and the Defendant, Ownit Mortgage Solutions herein
19 referred to as, the "Adjustable Rate (Promissory) Note", wherein the Plaintiff was
20 lead to believe by the Defendant's agent, representatives and/or employees, that the
21 Lender would be providing a loan for the purchase of Real Property in the amount
22 stated therein, and the Plaintiff would be indebted to the Defendant in like, for the
23 loan and interest.

24 Concurrent with the Promissory Note, a Deed of Trust, was created AS A
25 CONDITION to the "Loan", and the Plaintiff also induced to execute the Trust to
26 the benefit of the Defendant, which provided the Real Property as described therein,
27 as Security for said alleged "LOAN".
28

1 Contained with the Promissory Note, and subsequently reiterated within the
2 body of the Deed of Trust, are conditions pursuant to the "LOAN", wherein the
3 Plaintiff, was mislead by advertisements, statements an documents he would be
4 receiving a loan, therein based upon this fraudulent misrepresentation, he executed
5 the Promissory Note and Trust Deed, in which, he agreed he would owe the sum of
6 \$245,000.00, payable to the Defendant or holder in due course of said instruments.

7 Thereafter the Defendants, Defendant's Assignees, Agents, Employee's or
8 beneficiaries therein, did and continued to make demands for payment of the loan,
9 under threat of enforcement of the Deed of Trust, which the Plaintiff had been
10 induced into executing.

11 Upon discovery of the facts with regards to the Commercial laws, and
12 subsequent methodology of the Modern Mechanics of Money, Federal Reserve
13 Manual , (Public Information Center Federal Reserve Bank of Chicago P. O. Box
14 834 Chicago, IL 60690-0834 telephone: 312 322 5111), I was able to ascertain
15 therein that the Note, held by the Defendant was in fact, an instrument, in which
16 they could negotiate for a discounted value, therefore receiving a substantial part of
17 the loan in the negotiation, and sale thereafter of the note.

18 As such, I have reason to believe the Defendant, Defendant's Agents,
19 Assignee's, Representatives and/or Employee's Conspired to defraud me of the
20 difference between what they actually lent, if any thing, and the value they received
21 upon successfully negotiating the note with other parties unknown to the Plaintiff.

22 Therefore, upon discovering these facts, I filed this timely complaint to
23 address the matters complained of hereafter.
24

25 **FIRST CAUSE OF ACTION**
26 **CONSPIRACY TO COMMIT FRAUD**
27

28 Although, the exact nature of the relationship between the Defendant, and its

1 Successors, assignees and the other parties known to the Defendant, and undisclosed
 2 to the Plaintiff, as will be evidenced in the Promissory Note and Deed of Trust as
 3 will be submitted at Trial, it will evidence that the documents, have been altered in
 4 the form or format utilized for the purpose of negotiating instruments, which are to
 5 sold or purchased in accordance with Federal Reserve policy.

6 As such, the parties who were to benefit, be they lenders, brokers, escrow and
 7 like conspired collectively and over the duration of the relations to defraud the
 8 Plaintiff of monies.

10 SECOND CAUSE OF ACTION

11 FRAUD

12
 13 The First Cause of Action Incorporated herein, It is an excepted Judicial fact,
 14 that a Promissory Note and Deed of Trust are in fact Fraud, as well, in accordance
 15 with California Civil Code § 2922, wherein the Defendant simply has nothing to
 16 convey, nothing by the way of consideration (money) or real property pursuant to
 17 receiving the note or deed from the Plaintiff.

18 As such, the Promissory Note and Deed of Trust executed by the Plaintiff in
 19 favor of the Defendant are fraudulent documents, invalid, inoperative and declarable
 20 as such.

21 There is more than sufficient evidence, which will be presented at Trial,
 22 sustaining the Defendant(s) had no intention on lending the Plaintiff monies or other
 23 such assets, as is evidence in the body of the Promissory Note or Trust Deed, which
 24 failure to provide actual consideration to the Plaintiff; The Defendant(s) knowingly
 25 mislead the Defendant to believe they were Principal parties in the Trust Deed,
 26 wherein in fact, they had no capacity based upon the prevailing Commercial Laws to
 27 lend monies, or other consideration, therein the Defendant actions are barred as a
 28 result their individual and collective Fraud, pursuant to Cal. C.C. § 1571. wherein
 "Fraud is either actual or constructive. 1572. Actual fraud, within the meaning of this

Chapter, consists in any of the following acts, committed by a party to the contract, or with his connivance, with intent to deceive another party thereto, or to induce him to enter into the contract: 1. The suggestion, as a fact, of that which is not true, by one who does not believe it to be true; 2. The positive assertion, in a manner not warranted by the information of the person making it, of that which is not true, though he believes it to be true; 3. The suppression of that which is true, by one having knowledge or belief of the fact; 4. A promise made without any intention of performing it; or, 5. Any other act fitted to deceive.

Thereafter, under the threat of litigation, the Defendant did and continues to collect, attempt monies from the Plaintiff in the form of monthly payments, or the sale of the Plaintiff real property, pursuant to fraudulent documents, as is evidenced by the Defendant's collection notices, and subsequent acts to collect upon an instrument, which they negotiated and received full consideration thereof, therein the by making of demands after the fact, are fraudulent and continual presentment of claims were with malice, and actionable herein by the Plaintiff for full recovery of all monies delivered onto the Defendant under duress and fraud.

THIRD CAUSE OF ACTION

EQUITABLE RELIEF

The First and Second Cause of Action(s) Incorporated herein, the Defendant in fact never lent any of its own pre-existing money, credit, or assets as consideration to purchase the Note or credit agreement from the Plaintiff. When the bank does the forgoing, then in that event, there is an utter failure of consideration for the "loan contract". When the Defendant deposited the Plaintiff's \$245,000.00 of newly issued credit into an account, the Defendant created from \$220,000 to \$200,000 of new money (the nominal principal amount less up to ten percent or \$24,000 of reserves that the Federal Reserve would require against a demand deposit of this size). The Defendant received \$220,000 of credit or money of account from the Plaintiff as an asset. GAAP ordinarily would require that the Defendant record a liability account, crediting the Plaintiff's deposit account, showing that the

1 Defendant owes \$220,000 of money to the Plaintiff, just as if the Plaintiff were to
2 deposit cash or a payroll check into their account.

3 Should the following appear to be a disputed fact in this case, it is alleged
4 that Defendant refused to lend the Plaintiff the Defendant's own money or assets
5 and recorded a \$245,000 loan from the Plaintiff to the Defendant, which arguably
6 was a \$245,000 deposit of money of account by the Plaintiff, and then when the
7 Plaintiff repaid the Defendants by paying its own credit (money of account) in the
8 amount of \$245,000 to third-party sellers of goods and services for the account of
9 Plaintiff, the Plaintiff were repaid their loan to Defendant, and the transaction was
10 complete.

11 None of the following material facts are disclosed in the credit application or
12 Note or were advertised by Defendant to prove that the Plaintiff is the true lenders
13 and the Defendant is the true borrower. The Defendant is trying to use the credit
14 application form or the Note to persuade and deceive the Plaintiff into believing that
15 the opposite occurred and that the Plaintiff was the borrower and not the lender.
16 The following point is undisputed: The Plaintiff's loan of their credit to Defendant,
17 when issued and paid from their deposit or credit account at Defendant, became
18 money in the Federal Reserve System (subject to a reduction of up to ten percent for
19 reserve requirements) as the newly issued credit was paid pursuant to written orders,
20 including checks and wire transfers, to sellers of goods and services for the account
21 of Plaintiff.

22
23 **FOURTH OF ACTION**
24 **QUIET TITLE**

25 The First, Second and Third Cause of Actions Incorporated herein, the
26 Plaintiff is and at all times herein mentioned the owner and/or entitled to possession
27 of the property located at 996 Torrey Pines Drive, Colton CA 92324.
28

1 Plaintiff is informed and believes and thereupon allege that the
2 Defendant, and each of them, claim an interest in the property adverse to plaintiff
3 herein. However, the claim of said Defendant is without any right whatsoever, and
4 said Defendant have not legal or equitable right, claim, or interest in said property.

5 Plaintiff requests Judicial Notice of the discovered errors pursuant to the
6 Fraudulent Deed of Trust, and subsequent attempt to propagate the fraudulent
7 document on the open market, and deprive the Plaintiff of the equitable value
8 pursuant to the Trustee sales, wherein the sale is in violation of the Rosenthal Act.

9 Wherein, the Defendant, purporting to act as a debt collector, are attempting
10 to recover on a promissory note, collect a debt, that is at present in dispute, in
11 violation of 15 U.S.C. § 1692(q), et seq.

12 Furthermore, the Trustee's Sale by the Defendant is barred by the doctrine of
13 "ultra vires" on the grounds the Defendant are not duly appointed to conduct said
14 Trustee Sale pursuant to C.C. § 2934, 12 U.S.C. § 3754(d)(1).

15 For which , the Plaintiff has no recourse but too complain herein for relief
16 pursuant to Civil Code § 2934 & 15 U.S.C. § 1692(q) in order to protect his rights.

17
18 Plaintiff therefore seek a declaration that the title to the subject property
19 is vested in plaintiff alone and that the defendant herein, and each of them, be
20 declared to have no estate, right, title or interest in the subject property and that said
21 defendant, and each of them, be forever enjoined from asserting any estate, right,
22 title or interest in the subject property adverse to plaintiff herein.

23
24 **FIFTH CAUSE OF ACTION**

25 **INJUNCTIVE RELIEF**

1 The First, Second, Third and Fourth Cause of Action(s) Incorporated herein,
 2 the Plaintiff requests Injunctive Relief from the Defendants acts to posse, sale,
 3 encumber or propagate the distribution of real property.

4 The Defendants acts as complained of herein, are egregious and with malice
 5 and forethought, as a matter of practice. Wherein, were their acts to go unnoticed,
 6 the damages to the Plaintiff as well as other victims of the Defendants fraudulent
 7 practices would be irreparable.

8 The Plaintiff is at risk of losing his primary residence, equity in real
 9 property and legal relief, therefore resulting in great or irreparable injury, to the
 10 Plaintiff. **California Code of Procedure, § 525-527, When it appears by the complaint that**
 11 **the plaintiff is entitled to the relief demanded, and the relief, or any part thereof, consists in**
 12 **restraining the commission or continuance of the act complained of, either for a limited**
 13 **period or perpetually. (2) When it appears by the complaint or affidavits that the commission**
 14 **or continuance of some act during the litigation would produce waste., (3) When it appears,**
 15 **during the litigation, that a party to the action is doing, or threatens, or is about to do, or is**
 16 **procuring or suffering to be done, some act in violation of the rights of another party to the**
 17 **action respecting the subject of the action, and tending to render the judgment ineffectual.**

18 The Plaintiffs meet the standards for issuance of a preliminary injunction, as
 19 the accompanying memorandum of law demonstrates.

20 The Plaintiffs respectfully request that the Court issue a Preliminary
 21 Temporary and Permanent Injunction, enjoining all parties from acting against the
 22 Real Property as complained for herein, wherein a delay would cause **irreparable**
 23 **injury** to the Plaintiff, and a miscarriage of justice.

24 WHEREFORE, plaintiff prays for a judgment against defendant and each of
 25 them, as follows:

- 26 1. This Court make a finding of fact, that the Promissory Note and Deed of
 27 Trust as complained for herein be declared Fraudulent Documents as
 28 such invalid in their respective legal application(s) or intent(s).
2. This Court make a finding of fact, wherein the Defendant has suffered

1 The Equitable value, in addition to Damages for monies paid to the
2 Defendant(s) pursuant to the Fraudulent Notes and Deeds.

- 3 3. The Defendant is entitled to Injunctive Relief pending the Court review
4 of the matters complained of herein.
5 4. For an order compelling said Defendant, Ownit Mortgage Solutions Inc,
6 and
7 each of them, to transfer legal title and possession of the subject
8 property to Plaintiff herein;
9 5. For a declaration and determination that Plaintiff is the rightful holder of
10 title to the property and that Defendant Ownit Mortgage Solutions Inc
11 herein, and each of them, be declared to have no estate, right, title or
12 interest in said property;
13 6. Cost the of Suit.

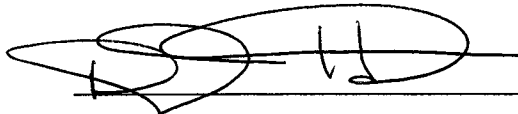
14 VERIFICATION

15 The allegation contained herein, is the truth or my belief in the truth of
16 those matters "under penalty of perjury."

17 Respectfully submitted

18 December 8, 2008

21 Dwight Hunter
22 966 Torrey Pine Drive
23 Colton, California 92324
24 (323) 972-1460 Fax (323) 734-1346

25 

26 In Pro Se

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input checked="" type="checkbox"/> DWIGHT HUNTER	DEFENDANTS OWNIT MORTGAGE SOLUTIONS, INC.; SELECT PORTFOLIO <input type="checkbox"/> SERVICING INC, <input type="checkbox"/> & SAN BERNARDINO SHERIFF'S <input type="checkbox"/> <input type="checkbox"/>
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) 966 TORREY PINE DRIVE <input type="checkbox"/> COLTON, CALIFORNIA 92324	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%; vertical-align: top;"> Citizen of This State Citizen of Another State Citizen or Subject of a Foreign Country </td> <td style="width:33%; vertical-align: top;"> <table style="width:100%; border: none;"> <tr> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> </tr> </table> </td> <td style="width:33%; vertical-align: top;"> Incorporated or Principal Place of Business in this State Incorporated and Principal Place of Business in Another State Foreign Nation </td> </tr> </table>	Citizen of This State Citizen of Another State Citizen or Subject of a Foreign Country	<table style="width:100%; border: none;"> <tr> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> </tr> </table>	PTF	DEF	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Incorporated or Principal Place of Business in this State Incorporated and Principal Place of Business in Another State Foreign Nation
Citizen of This State Citizen of Another State Citizen or Subject of a Foreign Country	<table style="width:100%; border: none;"> <tr> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> </tr> </table>	PTF	DEF	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Incorporated or Principal Place of Business in this State Incorporated and Principal Place of Business in Another State Foreign Nation		
PTF	DEF											
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<input type="checkbox"/> 2	<input type="checkbox"/> 2											
<input type="checkbox"/> 3	<input type="checkbox"/> 3											

IV. ORIGIN (Place an X in one box only.)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify):	<input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 FRAUD, CONSPIRACY, TEMPORARY AND PERMANENT INJUNCTION 18 & 1001

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL PROPERTY	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input checked="" type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 530 General Habeas Corpus	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	FORFEITURE / PENALTY	PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 630 Liquor Laws	SOCIAL SECURITY
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923) (405(g))
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	IMMIGRATION	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 465 Other Immigration Actions			FEDERAL TAX SUITS
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or

☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or

☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or

☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
SAN BERNARDINO	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
SAN BERNARDINO	Washington

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

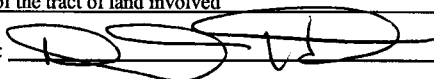
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
San Bernardino	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):



Date December 8, 2008

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Consuelo B. Marshall and the assigned discovery Magistrate Judge is Andrew J. Wistrich.

The case number on all documents filed with the Court should read as follows:

2:CV08- 8603 CBM (AJWx)

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Dwight Hunter
966 Torrey Pines Drive
Colton, California 92324

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DWIGHT HUNTER

CASE NUMBER

PLAINTIFF(S)

CV 08 - 08603 CBM
AJW

v.

OWNIT MORTGAGE SOLUTIONS, INC;
SELECT PORTFOLIO SERVICING, INC, &
SAN BERNARDINO COUNTY SHERIFFS DEPT
DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S): OWNIT MORTGAGE SOLUTIONS, INC; SELECT PORTFOLIO SERVICING, INC

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Dwight Hunter, whose address is 966 Torrey Pines Drive Colton, California 92324. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

FERRY NAFISI
Clerk, U.S. District Court

DEC 30 2008

Dated: _____

By: MARGO MEAD
Deputy Clerk

(Seal of the Court)

SEAL

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].